

Dane County



Minutes

Tuesday, September 27, 2016

6:30 PM

**City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 201 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Garrett Stolen

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

B. Public comment for any item not listed on the agenda

No comments made by the public.

C. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

11028

PETITION: REZONE 11028

APPLICANT: LOSENEGGER FAMILY TR, DONALD W & WINIFRED A

LOCATION: 8762 COUNTY HIGHWAY G, SECTION 4, TOWN OF PRIMROSE

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District, RH-2 Rural Homes District TO A-4 Agriculture District

REASON: creating two residential lots

In favor: Michael Losenegger

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

11029

PETITION: REZONE 11029

APPLICANT: RANDY S PAGE

LOCATION: 4650 STATE HIGHWAY 78, SECTION 2, TOWN OF VERMONT

CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: relocating residential lot

In favor: Randy Page

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1.The petition to be amended to create a 4.4-acre RH-1 zoning district boundary to create two 2.2-acre residential lots.

2.The petition to be amended to change the current 3.9-acre RH-1 zoning boundary and 12.7-acre portion of the A-1 Exclusive Agriculture area to A-2 Agriculture to create a 16.6-acre residential lot.

3.A joint driveway agreement shall be recorded with the register of deeds for the benefit of the three lots.

4.Septic easements shall be created and recorded for the placement of on-site septic fields on the adjacent lots.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11030](#)

PETITION: REZONE 11030
APPLICANT: JOHN LAURENCE MULLARKEY
LOCATION: 936 GLENWAY ROAD, SECTION 15, TOWN OF OREGON
CHANGE FROM: RH-3 Rural Homes District TO RH-2 Rural Homes District, A-2 Agriculture District TO A-2 (4) Agriculture District, RH-3 Rural Homes District TO A-2 (4) Agriculture District
REASON: shifting of property lines between adjacent land owners

*In favor: Chris Adams, Williamson Surveying, representing John Mullarkey
William Rockwell expressed questioned the time limits for the conditional use permit for the salvage yard on the property.*

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11031](#)

PETITION: REZONE 11031
APPLICANT: SCHUYLER PIERCE
LOCATION: 5456 BROKEN BOW ROAD, SECTION 24, TOWN OF BURKE
CHANGE FROM: R-1 Residence District TO A-2 (1) Agriculture District
REASON: change zoning district to allow for a taller accessory building

In favor: Schuyler Pierce

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1) A deed restriction shall be recorded on the property to limit the accessory building to be no larger than 48'x54' in size and no higher than 27 feet. The deed restriction shall include language to prohibit commercial use of the accessory building.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11032](#)

PETITION: REZONE 11032
APPLICANT: ALICIA SZEKERES
LOCATION: WEST OF 9450 MALONE ROAD, SECTION 25, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: Marty Szekers

Opposed: None

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11033](#)

PETITION: REZONE 11033
APPLICANT: TIEDEMAN REV FAMILY TR, HERMAN J & JULIE A
LOCATION: 1881 WILLIAMS DRIVE, SECTION 29, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: creating two residential lots

In favor: Greg Rice

Opposed: None

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0611-293-9000-4 and 06110293-9500-9 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

2. The correct language for the Town of Pleasant Springs approval and the City of Stoughton approval shall be added to the certified survey map.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11034](#)

PETITION: REZONE 11034
APPLICANT: JANET L BERGE
LOCATION: 961 NULAND ROAD, SECTION 33, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

In favor: Janet Berge

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0712-334-9070-6, 0712-333-9500-6, 0712-333-8071-0, and 0712-333-8001-0 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11035](#)

PETITION: REZONE 11035
APPLICANT: FURSETH BROTHERS REAL ESTATE
LOCATION: 1033 LAKE KEGONSA ROAD, SECTION 14, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: separating existing residence from farmland

In favor: Dan Furseth

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11036](#)

PETITION: REZONE 11036
APPLICANT: FEMRITE FARMS REAL ESTATE LLC
LOCATION: NORTH OF 2263 HAMMOND ROAD, SECTION 22, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In favor: Mary Lou Femrite
Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that the ZLR Committee rules be suspended to allow the acceptance of the Town Action Report. The motion carried by a voice vote.

In favor: Mary Lou Femrite
Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcel 0511-224-9150-8 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for this portion of the original farm have been exhausted.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11037](#)

PETITION: REZONE 11037
APPLICANT: RICHARD PEDERSON
LOCATION: 3213 COUNTY HIGHWAY A, SECTION 13, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) and A-2 (8) Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: John O'Connor representing Richard Pederson
Opposed: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8) to allow access to a lot without public road frontage.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11038](#)

PETITION: REZONE 11038
APPLICANT: JAMES AND MARIE PECQUEX
LOCATION: SOUTH OF 5133 JOHN WILKINSON ROAD, SECTION 29, TOWN OF BLACK EARTH
CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: relocate existing residential zoning boundaries

In favor: Jim Pecquex
Opposed: None

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11039](#)

PETITION: REZONE 11039
APPLICANT: RICHARD A EBERLE
LOCATION: 6354 COUNTY HIGHWAY DM, SECTION 12, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District and RH-4 Rural Homes District
REASON: creating one residential lot

In favor: Richard Eberle
Opposed: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on the proposed RH-4 parcel prohibiting further division of the property or further residential development.**
- 2. A deed notice shall recorded on the proposed RH-1 property that identifies that the existing structure may only be used for residential purposes and that commercial use of the building is prohibited.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11040](#)

PETITION: REZONE 11040
APPLICANT: JOHN M HALVERSON
LOCATION: N OF 5133 JOHN WILKINSON ROAD, SECTION 29, TOWN OF BLACK EARTH
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-3 Rural Homes District TO RH-2 Rural Homes District and A-1EX Agriculture District
REASON: creating one residential lot

In favor: John Halverson

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0806-291-9002-0, 0806-291-8500-0, 0806-291-8131-0 and 0806-291-9621-0 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11041](#)

PETITION: REZONE 11041
APPLICANT: SMITH, GREY, and SLACK
LOCATION: 3134, 3144, and 3151 VIEW ROAD, SECTION 6, TOWN OF DUNN
CHANGE FROM: R-1 Residence District TO R-3A Residence District, R-1A Residence District TO R-3A Residence District
REASON: zoning compliance for existing duplexes

In favor: Lynne Slack

Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

CUP 2357

PETITION: CUP 2357
APPLICANT: LB LAND INVESTMENTS INC
LOCATION: 5338 NORWAY GROVE SCHOOL RD, SECTION 22, TOWN OF VIENNA
CUP DESCRIPTION: composting facility

In favor: Jeanne Witish

Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Conditional Use Permit be approved with 12 conditions. The motion carried by the following vote: 5-0.

- 1. A NR 502.12 compost permit shall be obtained and maintained from Wisconsin Department of Natural Resources. The permit shall be posted on the front fence or gate.**
- 2. The operator shall provide an outline of the Wisconsin DNR Composting materials which are approved for the site.**
- 3. The solid waste recycle operation shall be limited to composting of grass clipping, leaves, wood chips, post processed fiber material, and food wastes from grocery stores. The food waste from grocery stores shall be limited to fruit/vegetable waste or other plant waste less than 5,000 cubic yards.**
- 4. The operation of the composting facility, including deliveries, shall be limited to the hours of 7am to 5pm, Monday through Friday, Saturday 7am to Noon.**
- 5. The composting shall take place in windrows. The windrows shall be turned frequently to encourage aerobic activity and control odors.**
- 6. The process of the compost material shall be monitored by a trained operator to ensure proper C:N ratios, water content, internal temperature, and proper ph.**
- 7. Storm water management permit shall be obtained from Dane County Land Conservation and the conditions of the permit shall be adhered.**
- 8. The on-site well shall be tested annually for phosphorous and nitrate content. The report shall be submitted to the Town Clerk. The first test shall be conducted prior to opening to establish a baseline for the water test.**
- 9. A 2-foot tall berm shall be constructed along the east and south side of the pond to reduce storm water from entering the pond from the composting area.**
- 10. The operator will provide adequate documentation to the Town of Vienna of their cooperative agreement with Madison Sand and Gravel to maintain the portion of Norway Grove School Road from the private drives east to County Highway I.**
- 11. The Town Board shall approve any additional buildings being constructed or located on the site.**
- 12. A deed restriction shall be recorded on the A-2 Agriculture lot to limit the land use to a composting facility.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

D. Zoning Map Amendments and Conditional Use Permits from previous meetings

E. Plats and Certified Survey Maps

[2016 LD-037](#) Final Plat - The Reserve at Bergamont
Village of Oregon
Staff recommends a certification of non-objection with regards to Ch. 75.08
and S. 236.12(12(2)(b)).

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the plat be certified with no objections. The motion carried by the following vote: 5-0.

[2016 LD-036](#) Final Plat - Stoner Prairie
City of Fitchburg
Staff recommends a certification of non-objection with regards to Ch. 75.08
and S. 236.12(12(2)(b)).

A motion was made by O'LOUGHLIN, seconded by MILES, that the plat be certified with no objections. The motion carried by the following vote: 5-0.

[2016 LD-033](#) Pederson 2-lot Certified Survey Map - Land Division Waiver
Town of Rutland, Section 13
Applicant is seeking a waiver from Ch. 75.19(6)(b) to allow the creation of Lot 2
to have no public road frontage.

**A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the Land Division Waiver be approved subject to a 66' shared access easement being recorded that will serve both lots.
The motion carried by the following vote: 4-1. (MATANO nay).**

[2016 LD-038](#) Preliminary Plat - Viney's Addition to Sky High
Town of Cottage Grove, Section 21
Staff recommends the plat be conditionally approved.

A motion was made by O'LOUGHLIN, seconded by MATANO, that the preliminary plat be approved subject to the following conditions. The motion carried by the following vote: 5-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
3. All public land dedications are to be clearly designated "dedicated to the public."
4. All streets shall be noted as dedicated to the public.
5. Comments from the Dane County Highway department are to be satisfied:
 - CTH N is a controlled access highway.
 - Access to remain to serve outlot maintenance only.
 - Access to be gated at all times.
 - Right of way appears to be correct.
6. Utility easements are to be provided.
7. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Bristol.
8. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
9. The required approval certificates are to be satisfied.
 - Town of Cottage Grove
 - Village of Cottage Grove
10. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established prior to the start of construction.
11. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established prior to the start of construction.

F. Resolutions

G. Ordinance Amendment

H. Reports to Committee

I. Other Business Authorized by Law

[2016](#)
[DISC-022](#) Discussion of the process of appealing a decision made regarding a conditional use permit

The Committee reviewed the concerns expressed by Corporation Counsel regarding the appeals of conditional use permits being reviewed by the full County Board. It was the consensus of the Committee that the ordinance should be changed to have appeals of conditional use permits go directly to circuit court. Supervisor Miles stated that he will work with Staff to prepare a draft ordinance amendment.

[2016
DISC-023](#)

Discussion of the possibility of adding additional members to the Zoning and Land Regulation Committee

The Committee reviewed the statutes regarding the makeup of Zoning Committees and Zoning Commissions. The statutes state that a zoning committee shall be made up of supervisors, where a zoning commission is made up of persons appointed by the County Executive. Supervisor O'Loughlin stated that changing the makeup of the Committee would be premature at this point of time given the opting out legislation. The decision on changing the members on the Committee should not be reactionary. The Committee agreed with O'Loughlin's statements.

[2016
DISC-024](#)

Discussion of how informational material is received as part of public input regarding zoning petitions and conditional use permits

The Committee reviewed Corporation Counsel's concerns regarding how information is introduced as part of the public record for petitions and conditional use permit applications. Currently there are no policies regarding submittal of information or emails. Corporation Counsel suggested that a policy be created to identify information that is part of the official record. The Committee directed staff to prepare a draft policy for review.

J. Adjourn

A motion was made by MILES, seconded by O'LOUGHLIN, to adjourn the ZLR Committee meeting at 8:35pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.